

HONORABLE JOHN C. COUGHENOUR

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

INNOVATIVE SOLUTIONS
INTERNATIONAL, INC., a Washington
corporation,

Plaintiff(s),

v.

HOULIHAN TRADING CO., INC., a
Florida corporation; BRIGHTON SALES
AND MARKETING, LLC, an Arkansas
limited liability company; MARCUS
TECHNOLOGIES LLC, a Texas limited
liability company; SHUMAKER
INTERNATIONAL CORP., a Tennessee
corporation; COOK INTERNATIONAL
TRADE & BROKERAGE, INC., a Florida
corporation; NORTH SOUTH FOODS
GRP., INC., a Florida corporation;
HENLEY'S WHOLESALE MEATS, INC.,
an Arkansas corporation; PILGRIM'S
PRIDE CORP., a Delaware corporation; and
DOES 1–10,

Defendant(s).

NO. 2:22-CV-00296-JCC

STIPULATED MOTION AND
~~[PROPOSED]~~ ORDER TO AMEND POST
TRIAL BRIEFING SCHEDULE

**NOTE ON MOTION CALENDAR:
JANUARY 10, 2025**

STIPULATED MOTION AND ~~[PROPOSED]~~ ORDER TO
AMEND POST TRIAL BRIEFING SCHEDULE

10015-0152 6057741

Case No. 2:22-CV-00296-JCC

PREG O'DONNELL & GILLET PLLC

401 UNION STREET, SUITE 1900

SEATTLE, WASHINGTON 98101-2668

TELEPHONE: (206) 287-1775 • FACSIMILE: (206) 287-9113

STIPULATION AND RELIEF REQUESTED

Plaintiff Innovative Solutions International, Inc. (“Innovative”), Defendant Houlihan Trading Co., Inc. (“Houlihan”), and Defendant Pilgrim’s Pride Corp. (“Pilgrim’s,” and collectively, the “Parties”) jointly submit this request to amend the briefing schedule for the presentation of Houlihan’s remaining cause of action for equitable relief and the opening briefing regarding certain post-trial motions.

Following the trial of this matter, the parties stipulated to a briefing schedule that accommodated the parties’ schedules over the holiday season, yet moved these post-trial issues forward as quickly as practicable. Under this schedule, opening briefing is due on January 17, 2025. Houlihan and Innovative placed orders with the court reporter for transcripts of trial testimony that they reasonably believed would be necessary for presenting their post-trial briefing. While Houlihan and Innovative placed these orders in December 2024, including requesting certain transcripts on an expedited basis, the court reporter has informed Houlihan and Innovative their transcripts will not be ready until January 20, 2025 in the case of Frank Sorba’s testimony, and January 22, 2025 in the case of Travis Griffin’s testimony,. Pilgrim’s has also indicated a need for additional transcripts, which the court reporter has advised would not be available until approximately 30 days after the submission of Pilgrim’s’ written request and prepayment, which is forthcoming.

Considering the unavailability of trial testimony transcripts necessary to their post-trial briefing, the parties jointly request the Court amend the post-trial briefing schedule, as follows:

1. Pilgrim’s shall promptly order the remaining trial transcripts, which are expected to take about 30 days to prepare.

2. Innovative’s motion for Treble Damages under the Washington Consumer Protection Act and motion for Attorneys’ Fees and Costs under Washington Consumer Protection

STIPULATED MOTION AND ~~PROPOSED~~ ORDER TO
AMEND POST TRIAL BRIEFING SCHEDULE

10015-0152 6057741

Case No. 2:22-CV-00296-JCC

PREG O'DONNELL & GILLETT PLLC

401 UNION STREET, SUITE 1900

SEATTLE, WASHINGTON 98101-2668

TELEPHONE: (206) 287-1775 • FACSIMILE: (206) 287-9113

1 Act (and/or costs pursuant to LCR 54(d)) shall be due on January 24, 2025, on a standard briefing
2 schedule.

3 3. Houlihan's post-trial opening briefing on its equitable claim and for costs shall be
4 filed one week after the final trial transcripts are delivered to the parties.

5 4. Pilgrim's' response briefing on Houlihan's post-trial motions shall be due two
6 weeks after Houlihan's post-trial briefing is filed.

7 5. Houlihan's reply briefing shall be two due weeks after Pilgrim's' response briefing
8 is filed.

9 Dated this 10th day of January, 2025.

10 K&L GATES LLP

11 By: /s/ Philip M. Guess

12 Philip M. Guess, WSBA #26765

13 Emaan Jaber, WSBA #56990

14 925 Fourth Ave., Suite 2900

15 Seattle, WA 98104-1158

16 Phone: (206) 623-7580

17 Email:

18 philip.guess@klgates.com

19 emaan.jaber@klgates.com

20 Elizabeth H. White, WSBA #58976

21 Henry G. Ross, WSBA #51591

22 One SW Columbia Street, Suite 1900

23 Portland, OR 97204

24 Phone: (503) 228-3200

25 Email:

elizabeth.white@klgates.com

henry.ross@klgates.com

*Attorneys for Plaintiff Innovative Solutions
International, Inc.*

///

STIPULATED MOTION AND ~~PROPOSED~~ ORDER TO
AMEND POST TRIAL BRIEFING SCHEDULE

10015-0152 6057741

Case No. 2:22-CV-00296-JCC

PREG O'DONNELL & GILLET PLLC

401 UNION STREET, SUITE 1900

SEATTLE, WASHINGTON 98101-2668

TELEPHONE: (206) 287-1775 • FACSIMILE: (206) 287-9113

PREG O'DONNELL & GILLETT PLLC

By /s/ Daniel Rankin

Bennett J. Hansen, WSBA #24205

Daniel Rankin, WSBA #49673

Monica Marks, WSBA #60689

401 Union Street, Suite 1900

Seattle, Washington 98101

Firm Email:

bhansen@pregodonnell.com

drankin@pregodonnell.com

mmarks@pregodonnell.com

Attorneys for Defendant Houlihan Trading Co., Inc.

SPENCER FANE LLP

By: /s/ Daniel Blegen

Kevin Kuhlman, *pro hac vice*

Daniel Blegen, *pro hac vice*

Sarah Hobbs, *pro hac vice*

1000 Walnut, Suite 1400

Kansas City, MO 64106

kkuhlman@spencerfane.com

dblegen@spencerfane.com

shobbs@spencerfane.com

DAVIS WRIGHT TREMAINE LLP

By: /s/ Theo A. Lesczynski

Theo A. Lesczynski, WSBA # 59780

Davis Wright Tremaine, LLP

920 Fifth Avenue, Suite 3300

Seattle, WA 98104

theoleszczynski@dwt.com

Attorneys for Defendant Pilgrim's Pride Corp.

///

STIPULATED MOTION AND ~~PROPOSED~~ ORDER TO
AMEND POST TRIAL BRIEFING SCHEDULE

10015-0152 6057741

Case No. 2:22-CV-00296-JCC

PREG O'DONNELL & GILLETT PLLC

401 UNION STREET, SUITE 1900

SEATTLE, WASHINGTON 98101-2668

TELEPHONE: (206) 287-1775 • FACSIMILE: (206) 287-9113

~~PROPOSED~~ ORDER

The Court, having considered the foregoing Stipulation, and good cause appearing, orders as follows:

1. Pilgrim's shall promptly order the remaining trial transcripts, which are expected to take about 30 days to prepare.

2. Innovative's motion for Treble Damages under the Washington Consumer Protection Act and motion for Attorneys' Fees and Costs under Washington Consumer Protection Act (and/or costs pursuant to LCR 54(d)) shall be due on January 24, 2025, on a standard briefing schedule **pursuant to LCR 7(d)(3) (21-Day Motions)**.

3. Houlihan's post-trial opening briefing on its equitable claim and for costs shall be filed one week after the final trial transcripts are delivered to the parties.

4. Pilgrim's' response briefing on Houlihan's post-trial motions shall be due two weeks after Houlihan's post-trial briefing is filed.

5. Houlihan's reply briefing shall be two due weeks after Pilgrim's' response briefing is filed.

IT IS SO ORDERED.

DATED: January 10, 2025.



John C. Coughenour
United States District Court Judge

STIPULATED MOTION AND ~~PROPOSED~~ ORDER TO
AMEND POST TRIAL BRIEFING SCHEDULE

10015-0152 6057741

Case No. 2:22-CV-00296-JCC

PREG O'DONNELL & GILLET PLLC

401 UNION STREET, SUITE 1900
SEATTLE, WASHINGTON 98101-2668
TELEPHONE: (206) 287-1775 • FACSIMILE: (206) 287-9113

DECLARATION OF SERVICE

I hereby declare that on this day I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the attorneys of record listed below:

Counsel for Plaintiff Innovative Solutions International, Inc.:

Philip M. Guess, Esq.
Emaan R. Jaber, Esq.
K&L Gates LLP
philip.guess@klgates.com
emaan.jaber@klgates.com

Counsel for Plaintiff Innovative Solutions International, Inc.:

Elizabeth H. White, Esq.
Henry G. Ross, Esq.
K&L Gates LLP
elizabeth.white@klgates.com
henry.ross@klgates.com

Counsel for Defendant Pilgrim's Pride Corp.:

Theo A Lesczynski, Esq.
Davis Wright Tremayne, LLP
theolesczynski@dwt.com

Counsel for Defendant Pilgrim's Pride Corp.:

Kevin M. Kuhlman, Esq.
Daniel E. Blegen, Esq.
Sarah K. Hobbs, Esq.
Spencer Fane
1000 Walnut Street, Suite 1400
Kansas City, MO 64106
kkuhlman@spencerfane.com
dblegen@spencerfane.com
shobbs@spencerfane.com

DATED at Seattle, Washington, this 10th day of January, 2025.

/s/ Daniel Rankin

Daniel Rankin, WSBA #49673

STIPULATED MOTION AND ~~PROPOSED~~ ORDER TO
AMEND POST TRIAL BRIEFING SCHEDULE

10015-0152 6057741

Case No. 2:22-CV-00296-JCC

PREG O'DONNELL & GILLET PLLC

401 UNION STREET, SUITE 1900
SEATTLE, WASHINGTON 98101-2668
TELEPHONE: (206) 287-1775 • FACSIMILE: (206) 287-9113